

Message Text

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INFO AMCONSUL ALEXANDRIA

UNCLAS CAIRO 13982

FROM AMBASSADOR

E.O. 11652: NA
TAGS: CARR
SUBJ: ARRESTEE AND PRISONER SERVICES: DEPORTATION OF PETTY NARCOTICS
OFFENDERS

REF: STATE 194251

1. WHILE I AGREE TOTALLY THAT A BASIC PART OF OUR DUTY TO AMERICAN ARRESTEES ABROAD IS TO DO OUR BEST TO SEE TO IT THAT PUNISHMENT FITS THEIR CRIMES, I HAVE SOME RESERVATIONS WITH REFTEL. WITH REGARD TO THE PUNISHMENT OF DRUG OFFENDERS, PETTY OF NOT, I HAVE OFTEN BEEN STRUCK BY THE DICHOTOMY OF OUR STRENUOUS EFFORTS TO ALLY OTHER NATIONS TO OUR ANTI-NARCOTICS EFFORTS AND TO STRENGTHEN THEIR OWN NARCOTICS LAW ENFORCEMENT AND COMPLAINTS THAT AMERICANS ARE MISTREATED WHEN THE LAWS ARE APPLIED AGAINST THEM. AGAIN, PUNISHMENT SHOULD FIT THE CRIME, BUT I FAIL TO SEE THAT DEPORTATION OR EXPULSION, I.E., NO PUNISHMENT, IS A COURSE WE CAN REASONABLY OR LOGICALLY COUNSEL TO HOST GOVERNMENTS.

2. AS FOR EXPLANATIONS THAT DEPORTATION SERVES THE INTERESTS OF THE HOST COUNTRY, IT MAY VERY WELL BE TRUE, BUT IT IS GRATUITOUS TO SUGGEST THEY DON'T KNOW THE EFFECT OF
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PUNISHING "PETTY OFFENDERS" ON THEIR OWN INVESTIGATIVE AND JUDICIAL SYSTEMS.

3. FINALLY, IT SEEMS TO ME THAT THERE ARE BASIC MORAL ISSUES INVOLVED: (A) WHEN WE ENCOURAGE EXPULSION IN LIEU OF PUNISHMENT, WE CONDONE THE CREATION OF A CLASS OF SCOFFLAWS; (B) WE ENCOURAGE THEIR BELIEF THAT THE USG WILL USE ITS IN-

FLUENCE TO PREVENT THEIR PUNISHMENT;AND (C)WE THEREBY ENCOURAGE THEM TO TRY AGAIN. SOME GOVERNMENTS, OR THEIR AGENCIES, CLEARLY HAVE EARNED THE NOTORIETY ATTENDANT TO THEIR TREATMENT OF U.S. OFFENDERS. WE HAVE, AS I HAVE STATED ABOVE, A GRAVE OBLIGATION TO ENCOURAGE THEIR JUST TREATMENT. THIS SHOULD BE THE THRUST OF OUR EFFORTS, SINCE "EXPULSION IN LIEU OF PUNISHMENT" SMACKS OF SEEKING SPECIAL PREFERENCE FOR THOSE COUNTRIES WITH INFLUENCE ENOUGH TO THROW THEIR WEIGHT AROUND.

4. IN THE CASE OF EGYPT, ABOVE IS SOMEWHAT ACADEMIC, SINCE EGYPTIAN PRACTICE IS TO INSIST ON DEPARTURE OR (WHEN ABSOLUTELY NECESSARY) DEPORTATION OF U.S. CITIZEN PETTY OFFENDERS WHO ARE NOT DUAL NATIONALS. THIS PRACTICE SEEMS TO EXTEND TO ALL NON-ARAB FOREIGNERS, BUT WE CANNOT STATE SO CATEGORICALLY. IN ANY EVENT, THERE NO U.S. CITIZENS PRESENTLY JAILED IN EGYPT AND WE HAVE HAD FEW ARRESTS OF ANY KIND IN PAST FEW YEARS. NONE HAVE BEEN FOR NARCOTICS OFFENSES. EILTS

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